

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 22

**Introduced by Assembly Members Lieber and Liu and Senator
Kuehl**

(Coauthors: Assembly Members *Bermudez, Chavez, Chan, DeVore, Goldberg, Hancock, Shirley Horton, Koretz, Leslie, Matthews, Pavley, and Sharon Runner* Sharon Runner, and Ruskin)

(Coauthor: Senator Escutia)

December 6, 2004

An act to ~~amend Section~~ add Section 52.8 to the Civil Code, to add Article 8.8 (commencing with Section 1038) to Chapter 4 of Division 8 of the Evidence Code, to amend Section 13956 of the Government Code, to amend Sections 181, 186.2, 273.7, and 14023 of, to add the heading of Chapter 7.5 (commencing with Section 181) to Title 7 of Part 1 of, and to add Sections 181.1, 181.2, 181.3, ~~181.4, 181.5, 181.6, 181.7, 13519.13, 13823.17,~~ and 13823.18 to, the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 22, as amended, Lieber. Trafficking in persons.

Existing law establishes the offenses of slavery and involuntary servitude. Existing law also makes it an offense to entice an unmarried female minor for purposes of prostitution, as specified, or to aid or assist with the same, or to procure by fraudulent means, any female to have illicit carnal connection with any man. Existing law also makes it a crime to take away any minor as specified, for purposes of prostitution.

This bill would include the existing crimes of slavery and involuntary servitude within new provisions pertaining to human trafficking. The bill would establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, both punishable as felonies. The bill would provide ~~various sentencing enhancements for these offenses for restitution, punitive damages, and would establish a victim-caseworker privilege.~~

By creating new crimes, this bill would impose a state-mandated local program.

~~The bill would also require restitution to trafficking victims, as defined, and as specified. The bill would require the Attorney General and the Department of Social Services to report to the Legislature regarding the application and improvement of various laws, regulations and social service programs as they apply to trafficking victims. The bill would require law enforcement agencies to report human trafficking violations to the Attorney General and would require the Attorney General to maintain statistics on those violations. The bill would require state and local law enforcement agencies to issue a Law Enforcement Authority Endorsement for all trafficking victims with 15 business days of initial contact with the victim.~~

By imposing new duties on local law enforcement agencies, this bill would impose a state-mandated local program.

~~Existing law establishes the Commission on Peace Officers Standard and Training.~~

~~The bill would require the Commission on Peace Officer Standards and Training to develop a course for peace officers relating to human trafficking offenses and social services available to trafficking victims.~~

~~Existing law charges the Victim's Compensation and Government Claims Board with overseeing domestic violence shelters, as specified.~~

~~The bill would require the Victim's Compensation and Government Claims Board to establish criteria for and to oversee local shelters designated for trafficking victims.~~

Existing law establishes various advisory bodies in connection with domestic violence.

The bill would establish a task force to study various issues in connection with human trafficking and to advise the Legislature, as specified.

Existing law requires the Attorney General to give priority to matters involving organized crime, gang activities, drug trafficking, and cases involving a high degree of risk to the witness.

This bill would include human trafficking in that list of priorities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as, the
- 2 California Trafficking Victims Protection Act.
- 3 SEC. 2. Section 52.5 is added to the Civil Code, to read:
- 4 52.5. (a) A victim of human trafficking, as defined in
- 5 subdivision (b) of Section 181 of the Penal Code, may bring a
- 6 civil action for actual damages, compensatory damages, punitive
- 7 damages, injunctive relief, any combination of those, or any
- 8 other appropriate relief. A prevailing plaintiff may also be
- 9 awarded attorney's fees and costs.
- 10 (b) Treble damages may be awarded on proof of actual
- 11 damage where defendant's acts are willful and malicious.
- 12 (c) An action brought pursuant to this section shall be
- 13 commenced within 10 years of the date on which the Trafficking
- 14 victim was freed from the trafficking situation, or if the victim
- 15 was a minor when the act occurred, within 15 years after the
- 16 date the plaintiff attains the age of majority.
- 17 (d) If a person entitled to sue who is under a disability at the
- 18 time the cause of action accrues, so that it is impossible or
- 19 impracticable for him to bring an action, then the time of the
- 20 disability is not part of the time limited for the commencement of

1 the action. Disability will toll the running of the statute of
2 limitation for this action.

3 (1) Disability includes being a minor, insanity, imprisonment,
4 or other incapacity or incompetence.

5 (2) The statute of limitations shall not run against an
6 incompetent or minor plaintiff simply because a guardian ad
7 litem has been appointed. A guardian ad litem's failure to bring
8 a plaintiff's action within the applicable limitation period will
9 not prejudice the plaintiff's right to do so after his or her
10 disability ceases.

11 (3) If a person entitled to sue lacks knowledge of his or her
12 rights under this law at the time the cause of action accrues and
13 could not have reasonably consulted legal counsel to become
14 aware of his or her rights, the running of the statute of
15 limitations shall be suspended until such knowledge of his or her
16 rights can be reasonably obtained.

17 (4) A defendant is estopped to assert a defense of the statute of
18 limitations when the expiration of the statute is due to conduct by
19 the defendant inducing the plaintiff to delay the filing of the
20 action, or due to threats made by the defendant causing duress
21 upon the plaintiff.

22 (5) The suspension of the statute of limitations due to
23 disability, lack of knowledge, or estoppel applies to all other
24 related claims arising out of the trafficking situation.

25 (6) The running of the statute of limitations is postponed
26 during the pendency of any criminal proceedings against the
27 victim.

28 SEC. 3. Section 13956 of the Government Code is amended to
29 read:

30 13956. Notwithstanding Section 13955, a person shall not be
31 eligible for compensation under the following conditions:

32 (a) An application shall be denied if the board finds that the
33 victim or, where compensation is sought by or on behalf of a
34 derivative victim, either the victim or derivative victim,
35 knowingly and willingly participated in the commission of the
36 crime that resulted in the pecuniary loss for which compensation
37 is being sought pursuant to this chapter. However, this
38 subdivision shall not apply if the injury or death occurred as a
39 direct result of a crime committed in violation of Section 261,
40 262, or 273.5 of, or a crime of unlawful sexual intercourse with a

1 minor committed in violation of subdivision (d) of Section 261.5
2 of, the Penal Code.

3 (b) (1) An application shall be denied if the board finds that
4 the victim or, where compensation is sought by, or on behalf of,
5 a derivative victim, either the victim or derivative victim failed to
6 cooperate reasonably with a law enforcement agency in the
7 apprehension and conviction of a criminal committing the crime.
8 However, in determining whether cooperation has been
9 reasonable, the board shall consider the victim's or derivative
10 victim's age, physical condition, and psychological state, cultural
11 or linguistic barriers, any compelling health and safety concerns,
12 including, but not limited to, a reasonable fear of retaliation or
13 harm that would jeopardize the well-being of the victim or the
14 victim's family or the derivative victim or the derivative victim's
15 family, and giving due consideration to the degree of cooperation
16 of which the victim or derivative victim is capable in light of the
17 presence of any of these factors.

18 (2) An application for a claim based on domestic violence may
19 not be denied solely because no police report was made by the
20 victim. The board shall adopt guidelines that allow the board to
21 consider and approve applications for assistance based on
22 domestic violence relying upon evidence other than a police
23 report to establish that a domestic violence crime has occurred.
24 Factors evidencing that a domestic violence crime has occurred
25 may include, but are not limited to, medical records documenting
26 injuries consistent with allegations of domestic violence, mental
27 health records, or the fact that the victim has obtained a
28 temporary or permanent restraining order, or all of these.

29 (3) *An application for a claim based on human trafficking as*
30 *defined in Section 181 of the Penal Code may not be denied*
31 *solely because no police report was made by the victim. The*
32 *board shall adopt guidelines that allow the board to consider*
33 *and approve applications for assistance based on human*
34 *trafficking relying upon evidence other than a police report to*
35 *establish that a human trafficking crime as defined in Section*
36 *181 has occurred. That evidence may include, but is not limited*
37 *to, law enforcement agency endorsement applications, letters*
38 *from caseworkers, sworn affidavit from the victim, or the victim's*
39 *friends, family, or other public contacts familiar with the*
40 *circumstance of the incident. Those parties who may provide this*

1 *evidence include, but are not limited to, teachers, medical*
2 *professionals, or religious leaders.*

3 (c) An application for compensation may be denied, in whole
4 or in part, if the board finds that denial is appropriate because of
5 the nature of the victim's or other applicant's involvement in the
6 events leading to the crime or the involvement of the persons
7 whose injury or death gives rise to the application. In the case of
8 a minor, the board shall consider the minor's age, physical
9 condition, and psychological state, as well as any compelling
10 health and safety concerns, in determining whether the minor's
11 application should be denied pursuant to this section. The
12 application of a derivative victim of domestic violence under the
13 age of 18 years *or a victim of trafficking under 18 years of age*
14 may not be denied on the basis of the denial of the victim's
15 application under this subdivision.

16 (d) (1) Notwithstanding Section 13955, no person who is
17 convicted of a felony may be granted compensation until that
18 person has been discharged from probation or has been released
19 from a correctional institution and has been discharged from
20 parole, if any. In no case shall compensation be granted to an
21 applicant pursuant to this chapter during any period of time the
22 applicant is held in a correctional institution.

23 (2) A person who has been convicted of a felony may apply
24 for compensation pursuant to this chapter at any time, but the
25 award of that compensation may not be considered until the
26 applicant meets the requirements for compensation set forth in
27 paragraph (1).

28 (3) Applications of victims who are not felons shall receive
29 priority in the award of compensation over an application
30 submitted by a felon who has met the requirements for
31 compensation set forth in paragraph (1).

32 *SEC. 4. Article 8.8 (commencing with Section 1038) is added*
33 *to Chapter 4 of Division 8 of the Evidence Code, to read:*

34
35 *Article 8.8. Human Trafficking Victim-Caseworker Privilege*
36

37 *1038. (a) A trafficking victim, whether or not a party to the*
38 *action, has a privilege to refuse to disclose, and to prevent*
39 *another from disclosing, a confidential communication between*

1 *the victim and a human trafficking caseworker if the privilege is*
2 *claimed by any of the following persons:*

3 *(1) The holder of the privilege.*

4 *(2) A person who is authorized to claim the privilege by the*
5 *holder of the privilege.*

6 *(3) The person who was the human trafficking caseworker at*
7 *the time of the confidential communication. However, that person*
8 *may not claim the privilege if there is no holder of the privilege*
9 *in existence or if he or she is otherwise instructed by a person*
10 *authorized to permit disclosure. The human trafficking*
11 *caseworker who received or made a communication subject to*
12 *the privilege granted by this article shall claim the privilege*
13 *whenever he or she is present when the communication is sought*
14 *to be disclosed and he or she is authorized to claim the privilege*
15 *under this section.*

16 *(b) A human trafficking caseworker shall inform a trafficking*
17 *victim of any applicable limitations on confidentiality of*
18 *communications between the victim and the caseworker. This*
19 *information may be given orally.*

20 *1038.1. (a) The court may compel disclosure of information*
21 *received by a human trafficking caseworker that constitutes*
22 *relevant evidence of the facts and circumstances involving a*
23 *crime allegedly perpetrated against the victim and that is the*
24 *subject of a criminal proceeding, if the court determines that the*
25 *probative value of the information outweighs the effect of*
26 *disclosure of the information on the victim, the counseling*
27 *relationship, and the counseling services. The court may compel*
28 *disclosure if the victim is either dead or not the complaining*
29 *witness in a criminal action against the perpetrator.*

30 *(b) When a court rules on a claim of privilege under this*
31 *article, it may require the person from whom disclosure is sought*
32 *or the person authorized to claim the privilege, or both, to*
33 *disclose the information in chambers out of the presence and*
34 *hearing of all persons except the person authorized to claim the*
35 *privilege and those other persons that the person authorized to*
36 *claim the privilege consents to have present.*

37 *(c) If the judge determines that the information is privileged*
38 *and shall not be disclosed, neither he nor she nor any other*
39 *person may disclose, without the consent of a person authorized*
40 *to permit disclosure, any information disclosed in the course of*

1 *the proceedings in chambers. If the court determines that*
2 *information shall be disclosed, the court shall so order and*
3 *inform the defendant in the criminal action. If the court finds*
4 *there is a reasonable likelihood that any information is subject to*
5 *disclosure pursuant to the balancing test provided in this section,*
6 *the procedure specified in subdivisions (1), (2), and (3) of*
7 *Section 1035.4 shall be followed.*

8 *1038.2. (a) As used in this article, "victim" means any*
9 *person who is a "trafficking victim" as defined in Section 181.2.*

10 *(b) As used in this article, "Human Trafficking Caseworker"*
11 *means any of the following:*

12 *(1) A person who is employed by any organization providing*
13 *the programs specified in Section 18294 of the Welfare and*
14 *Institutions Code, whether financially compensated or not, for*
15 *the purpose of rendering advice or assistance to victims of*
16 *human trafficking, who has received specialized training in the*
17 *counseling of human trafficking victims, and who meets one of*
18 *the following requirements:*

19 *(A) Has a master's degree in counseling or a related field; or*
20 *has one year of counseling experience, at least six months of*
21 *which is in the counseling of human trafficking victims.*

22 *(B) Has at least 40 hours of training as specified in this*
23 *paragraph and is supervised by an individual who qualifies as a*
24 *counselor under subparagraph (A), or is a psychotherapist, as*
25 *defined in Section 1010. The training, supervised by a person*
26 *qualified under paragraph (A), shall include, but need not be*
27 *limited to, the following areas: history of human trafficking, civil*
28 *and criminal law as it relates to human trafficking, societal*
29 *attitudes towards human trafficking, peer counseling techniques,*
30 *housing, public assistance and other financial resources*
31 *available to meet the financial needs of human trafficking*
32 *victims, and referral services available to human trafficking*
33 *victims.*

34 *(2) A person who is employed by any organization providing*
35 *the programs specified in Section 13835.2 of the Penal Code,*
36 *whether financially compensated or not, for the purpose of*
37 *counseling and assisting human trafficking victims, and who*
38 *meets one of the following requirements:*

39 *(A) Is a psychotherapist as defined in Section 1010, has a*
40 *master's degree in counseling or a related field, or has one year*

1 of counseling experience, at least six months of which is in rape
2 assault counseling.

3 (B) Has the minimum training for human trafficking
4 counseling required by guidelines established by the employing
5 agency pursuant to subdivision (c) of Section 13835.10 of the
6 Penal Code, and is supervised by an individual who qualifies as
7 a counselor under subparagraph (A). The training, supervised by
8 a person qualified under paragraph (A), shall include, but not be
9 limited to, law, victimology, counseling techniques, client and
10 system advocacy, and referral services.

11 (c) As used in this article, "confidential communication"
12 means information transmitted between the victim and the
13 caseworker in the course of their relationship and in confidence
14 by a means which, so far as the victim is aware, discloses the
15 information to no third persons other than those who are present
16 to further the interests of the victim in the consultation or those
17 to whom disclosures are reasonably necessary for the
18 transmission of the information or an accomplishment of the
19 purposes for which the human trafficking counselor is consulted.
20 It includes all information regarding the facts and circumstances
21 involving all incidences of human trafficking.

22 (d) As used in this article, "holder of the privilege" means the
23 victim when he or she has no guardian or conservator, or a
24 guardian or conservator of the victim when the victim has a
25 guardian or conservator.

26 SECTION 1. The heading of Chapter 7.5 (commencing with
27 Section 181) is added to Title 7 of Part 1 of the Penal Code,
28 immediately preceding Section 181, to read:

29
30 CHAPTER 7.5. HUMAN TRAFFICKING

31
32 SEC. 2. ~~Section 181.1 is added to the Penal Code, to read:~~

33 ~~181.1. Every person who knowingly recruits, entices, harbors,~~
34 ~~transports, provides, or obtains by any means, or attempts to~~
35 ~~recruit, entice, harbor, transport, provide, or obtain by any means,~~
36 ~~another person, intending or knowing that the person will be~~
37 ~~subjected to forced labor or services, or who benefits financially~~
38 ~~or by receiving anything of value, from participation in a venture~~
39 ~~which has engaged in an act described in Section 181 or this~~
40 ~~section, is punishable as a felony.~~

SEC. 3.— Section 181.2 is added to the Penal Code, to read:

181.2.— Every person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person under 18 years of age, intending or knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of pornography, or causes or attempts the same, shall be punishable as a felony.

SEC. 4.— Section 181.3 is added to the Penal Code, to read:

181.3.— (a) If a violation of this chapter involves kidnapping, sexual abuse or an attempt to kidnap, commit sexual abuse or an attempt to kill, there shall be imposed an additional term of ____ years in prison.

(b) If, pursuant to a violation of this chapter, a victim suffers bodily injury, there shall be imposed an additional term of ____ years in prison.

SEC. 5.— Section 181.4 is added to the Penal Code, to read:

181.4.— In addition to any other amount of restitution imposed by law, for any violation of this chapter the court shall order restitution including the greater of the gross income or value to the defendant of the victim's labor or services, or the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor and Standards Act.

SEC. 6.— Section 181.5 is added to the Penal Code, to read:

181.5.— (a) The Attorney General shall, no later than January 1, 2007, issue a report to the Legislature outlining how existing victim and witness protection laws and regulations respond to the needs of trafficking victims and suggesting areas of improvement and modification.

(b) The Department of Social Services shall, no later than January 1, 2007, issue a report to the Legislature outlining how existing social service programs respond to the needs of trafficking victims, and suggesting areas of improvement and modification.

SEC. 7.— Section 181.6 is added to the Penal Code, to read:

181.6.— (a) Every state and local law enforcement agency shall report all violations of this chapter within their jurisdiction to the Attorney General.

1 ~~(b) The Attorney General shall keep accurate statistics on the~~
2 ~~prevalence of violations of this chapter.~~

3 ~~(c) Every state and local law enforcement agency shall issue a~~
4 ~~Law Enforcement Authority Endorsement for all trafficking~~
5 ~~victims with 15 business days of initial contact with the victim.~~

6 *SEC. 5. Section 181 of the Penal Code is amended to read:*

7 181. (a) Every person who holds, or attempts to hold, any
8 person in involuntary servitude, or assumes, or attempts to
9 assume, rights of ownership over any person, or who sells, or
10 attempts to sell, any person to another, or receives money or
11 anything of value, in consideration of placing any person in the
12 custody, or under the power or control of another, or who buys,
13 or attempts to buy, any person, or pays money, or delivers
14 anything of value, to another, in consideration of having any
15 person placed in his custody, or under his power or control, or
16 who knowingly aids or assists in any manner any one thus
17 offending, is punishable by imprisonment in the state prison for
18 two, three or four years.

19 (b) *Every person who knowingly subjects, or attempts to*
20 *subject, another person to forced labor or services, or who*
21 *knowingly participates in, recruits, entices, harbors, transports,*
22 *provides, or obtains by any means, or attempts to recruit, entice,*
23 *harbor, transport, provide, or obtain by any means, another*
24 *person, intending or knowing that the person will be subjected to*
25 *forced labor or services, or who benefits financially or by*
26 *receiving anything of value, from participation in a venture*
27 *which has engaged in an act described in this subdivision, is*
28 *guilty of human trafficking, punishable by 3, 4, or 6 years in the*
29 *state prison.*

30 (c) *If the person trafficked is under 18 years of age, the offense*
31 *is punishable by 3, 6, or 8 years in the state prison.*

32 (d) *Upon conviction of any person for a violation of this*
33 *section, the court shall, in addition to any other penalty or*
34 *restitution, order the defendant to pay restitution to the victim*
35 *based upon the greater of the gross value of the victim's labor or*
36 *services based upon the comparable value of similar services in*
37 *the labor market in which the crime occurred, or the value of the*
38 *victim's labor as guaranteed under California law, or the actual*
39 *income derived by the defendant from the victim's labor or*

1 *services. This restitution order shall be enforceable as if the*
2 *order were a civil judgment.*

3 ~~SEC. 8. Section 181.7~~

4 *SEC. 6. Section 181.2 is added to the Penal Code, to read:*

5 ~~181.7.~~

6 *181.2. For purposes of this chapter, the following definitions*
7 *apply:*

8 (a) "Blackmail" includes but is not limited to a threat to
9 expose any secret tending to subject any person to hatred,
10 contempt, or ridicule.

11 ~~(b) "Commercial sexual activity" means any sex act on~~
12 ~~account of which anything of value is given, promised to, or~~
13 ~~received by any person.~~

14 ~~(c)~~

15 (b) "Financial harm" includes credit extortion, criminal
16 violation of usury provisions, ~~or employment contracts that~~
17 ~~violate the Statute of Frauds.~~

18 ~~(d)~~

19 (c) "Forced labor or services" means labor or services that are
20 performed or provided by another person and are obtained or
21 maintained through any of the following:

22 (1) Causing or threatening to cause serious harm to any
23 person.

24 (2) Physically restraining or threatening to physically restrain
25 another person.

26 (3) Abusing or threatening to abuse the law or legal process.

27 (4) Knowingly destroying, concealing removing, confiscating,
28 or processing any actual or purported passport or other
29 immigration document, or any other actual or purported
30 government identification document, of another person.

31 (5) Blackmail.

32 (6) Causing or threatening to cause financial harm to any
33 person.

34 ~~(e)~~

35 (d) "Labor" means work of economic or financial value.

36 ~~(f)~~

37 (e) "Maintain" means in relation to labor services, to secure
38 continued performance thereof, regardless of any initial
39 agreement on the part of the victim to perform that type of
40 service.

~~(g)~~

(f) “Obtain” means, in relation to labor or services, to secure performance thereof.

~~(h)~~

(g) “Services” means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually explicit performances are forms of “services” pursuant to this section. Nothing in this section shall be construed to legitimize or legalize prostitution.

~~(i) “Sexually explicit performance” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.~~

~~(j)~~

(h) “Trafficking victim” means a person subjected to the practices set forth in Sections 181, 181.1, or 181.2.

~~SEC. 9. Section 13519.13 is added to the Penal Code, to read:~~

~~13519.13. The commission shall establish training standards and shall develop a course of instruction that includes education for peace officers regarding the criminal provisions of Chapter 7.5 (commencing with Section 181) of Title 7 of Part 1 and the services available for victims of the offenses described therein.~~

~~SEC. 10. Section 13823.17 is added to the Penal Code, to read:~~

~~13823.17. The Victim’s Compensation and Government Claims Board shall establish criteria for and oversee local shelters designated for trafficking victims, as defined in Section 181.6.~~

SEC. 7. Section 181.3 is added to the Penal Code, to read:

181.3. (a) The Legislature finds that victims meeting the definition of trafficking victim as defined in Section 181 meet the federal definition of a victim of a severe form of trafficking found at Section 7102(8) of Title 22 of the United States Code.

(b) Within 15 business days of the first encounter of a trafficking victim as defined in Section 181, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency Endorsement (LEA) regulations as found in Section 214.11 (f)(1) of Chapter 8 of the Code of Federal Regulations.

(c) *The LEA must be submitted on Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of Form I-914. The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act.*

(d) *Where state law enforcement agencies find the grant of an LEA endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA within one week of the receipt of additional evidence.*

SEC. 8. *Section 186.2 of the Penal Code is amended to read:*
186.2. For purposes of this chapter, the following definitions apply:

(a) “Criminal profiteering activity” means any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as a crime under any of the following sections:

- (1) Arson, as defined in Section 451.
- (2) Bribery, as defined in Sections 67, 67.5, and 68.
- (3) Child pornography or exploitation, as defined in subdivision (b) of Section 311.2, or Section 311.3 or 311.4, which may be prosecuted as a felony.
- (4) Felonious assault, as defined in Section 245.
- (5) Embezzlement, as defined in Sections 424 and 503.
- (6) Extortion, as defined in Section 518.
- (7) Forgery, as defined in Section 470.
- (8) Gambling, as defined in Sections 337a to 337f, inclusive, and Section 337i, except the activities of a person who participates solely as an individual bettor.

- 1 (9) Kidnapping, as defined in Section 207.
- 2 (10) Mayhem, as defined in Section 203.
- 3 (11) Murder, as defined in Section 187.
- 4 (12) Pimping and pandering, as defined in Section 266.
- 5 (13) Receiving stolen property, as defined in Section 496.
- 6 (14) Robbery, as defined in Section 211.
- 7 (15) Solicitation of crimes, as defined in Section 653f.
- 8 (16) Grand theft, as defined in Section 487.
- 9 (17) Trafficking in controlled substances, as defined in
- 10 Sections 11351, 11352, and 11353 of the Health and Safety
- 11 Code.
- 12 (18) Violation of the laws governing corporate securities, as
- 13 defined in Section 25541 of the Corporations Code.
- 14 (19) Any of the offenses contained in Chapter 7.5
- 15 (commencing with Section 311) of Title 9, relating to obscene
- 16 matter, or in Chapter 7.6 (commencing with Section 313) of Title
- 17 9, relating to harmful matter that may be prosecuted as a felony.
- 18 (20) Presentation of a false or fraudulent claim, as defined in
- 19 Section 550.
- 20 (21) False or fraudulent activities, schemes, or artifices, as
- 21 described in Section 14107 of the Welfare and Institutions Code.
- 22 (22) Money laundering, as defined in Section 186.10.
- 23 (23) Offenses relating to the counterfeit of a registered mark,
- 24 as specified in Section 350.
- 25 (24) Offenses relating to the unauthorized access to
- 26 computers, computer systems, and computer data, as specified in
- 27 Section 502.
- 28 (25) Conspiracy to commit any of the crimes listed above, as
- 29 defined in Section 182.
- 30 (26) Subdivision (a) of Section 186.22, or a felony subject to
- 31 enhancement as specified in subdivision (b) of Section 186.22.
- 32 (27) Any offenses related to fraud or theft against the state's
- 33 beverage container recycling program, including, but not limited
- 34 to, those offenses specified in this subdivision and those criminal
- 35 offenses specified in the California Beverage Container
- 36 Recycling and Litter Reduction Act, commencing at Section
- 37 14500 of the Public Resources Code.
- 38 (28) *Human trafficking, as defined in Section 181.*

(b) “Pattern of criminal profiteering activity” means engaging in at least two incidents of criminal profiteering, as defined by this act, that meet the following requirements:

(1) Have the same or a similar purpose, result, principals, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics.

(2) Are not isolated events.

(3) Were committed as a criminal activity of organized crime.

Acts that would constitute a “pattern of criminal profiteering activity” may not be used by a prosecuting agency to seek the remedies provided by this chapter unless the underlying offense occurred after the effective date of this chapter and the prior act occurred within 10 years, excluding any period of imprisonment, of the commission of the underlying offense. A prior act may not be used by a prosecuting agency to seek remedies provided by this chapter if a prosecution for that act resulted in an acquittal.

(c) “Prosecuting agency” means the Attorney General or the district attorney of any county.

(d) “Organized crime” means crime that is of a conspiratorial nature and that is either of an organized nature and seeks to supply illegal goods and services such as narcotics, prostitution, loan sharking, gambling, and pornography, or that, through planning and coordination of individual efforts, seeks to conduct the illegal activities of arson for profit, hijacking, insurance fraud, smuggling, operating vehicle theft rings, fraud against the beverage container recycling program, or systematically encumbering the assets of a business for the purpose of defrauding creditors. “Organized crime” also means crime committed by a criminal street gang, as defined in subdivision (f) of Section 186.22. “Organized crime” also means false or fraudulent activities, schemes, or artifices, as described in Section 14107 of the Welfare and Institutions Code.

(e) “Underlying offense” means an offense enumerated in subdivision (a) for which the defendant is being prosecuted.

SEC. 9. Section 273.7 of the Penal Code is amended to read:

273.7. (a) Any person who maliciously publishes, disseminates, or otherwise discloses the location of any *trafficking shelter* or domestic violence shelter or any place designated as a *trafficking shelter* or domestic violence shelter,

without the authorization of that *trafficking shelter* or domestic violence shelter, is guilty of a misdemeanor.

(b) (1) For purposes of this section, “domestic violence shelter” means a confidential location which provides emergency housing on a 24-hour basis for victims of sexual assault, spousal abuse, or both, and their families.

(2) Sexual assault, spousal abuse, or both, includes but is not limited to, those crimes described in Sections 240, 242, 243.4, 261, 261.5, 262, 264.1, 266, 266a, 266b, 266c, 266f, 273.5, 273.6, 285, 288, and 289.

(c) Nothing in this section shall apply to confidential communications between an attorney and his or her client.

~~SEC. 11.~~

SEC. 10. Section 13823.18 is added to the Penal Code, to read:

13823.18. There is hereby created an antitrafficking advisory task force that shall assist the Legislature with guiding and coordinating antitrafficking efforts. ~~The task force shall, at a minimum, do all of the following:~~

~~(a) Address the issues of raising the public’s awareness and understanding of trafficking victims.~~

~~(b) Implement an independent, comprehensive study on the prevalence of trafficking in the state.~~

~~(c) Conduct public hearings on the issue of trafficking.~~

~~(d) Evaluate proposed antitrafficking legislation.~~

~~(e) Create working protocols for collaborative work between governmental and nongovernmental organizations.~~

~~(f) Review statewide implementation of state and federal antitrafficking laws, and make recommendations to the Legislature for improving laws, regulations, and social services for trafficking victims, as defined in Section 181.7.~~

(a) The task force shall be chaired and convened by a designee of the Attorney General.

(b) The members of the task force shall serve at the pleasure of their respective appointing authority, without compensation, except for reimbursement of necessary expenses.

(c) The task force shall be composed of the following representatives:

(1) One representative of the Department of Justice, who will serve as the chairperson.

1 (2) *One representative of the State Department of Social*
2 *Services.*

3 (3) *Two representatives of local law enforcement, one selected*
4 *by the California State Sheriffs' Association and one selected by*
5 *the California Police Chiefs' Association.*

6 (4) *One representative of a District Attorney's office,*
7 *appointed by the Attorney General.*

8 (5) *One representative of a City Attorney's office, appointed*
9 *by the Attorney General.*

10 (6) *One representative of the Department of Labor Standards*
11 *Enforcement.*

12 (7) *Two survivors of trafficking who have obtained*
13 *certification from the Department of Health and Human Services*
14 *or a T-visa from Department of Homeland Security.*

15 (8) *One representative of a recognized organization with a*
16 *proven record of providing both social and legal services to*
17 *survivors of trafficking for at least five years and experience*
18 *running a shelter specifically for trafficking survivors, selected*
19 *by the Attorney General.*

20 (9) *One representative of a recognized nonprofit organization*
21 *with a proven record of advocating for the civil rights and*
22 *remedies of survivors of trafficking, selected by the Attorney*
23 *General.*

24 (10) *One representative of a recognized organization with a*
25 *proven record of primarily providing direct legal services to the*
26 *Asian Pacific Islander community in Northern California.*

27 (11) *One representative of an organization serving or*
28 *advocating for the Latino community with experience and*
29 *expertise in serving survivors of human trafficking, selected by*
30 *the Attorney General.*

31 (12) *One representative of an organization serving or*
32 *advocating for the Eastern European community with experience*
33 *and expertise in serving survivors of human trafficking, selected*
34 *by the Attorney General.*

35 (13) *One representative of an organization serving or*
36 *advocating for the African community with experience and*
37 *expertise in serving survivors of human trafficking, selected by*
38 *the Attorney General.*

39 (14) *One representative of an organization serving or*
40 *advocating for the Asian Pacific Islander community with*

1 *experience and expertise in serving survivors of human*
2 *trafficking, selected by the Attorney General.*

3 *(15) One representative of a domestic violence or sexual*
4 *assault coalition, selected by the Attorney General.*

5 *(16) One representative of the State Department of Health*
6 *Services.*

7 *(17) One representative of an organization advocating for*
8 *social justice and human rights issues, selected by the Attorney*
9 *General.*

10 *(18) One representative of the medical profession, selected by*
11 *the Attorney General.*

12 *(19) One representative of higher education with research*
13 *experience on forced labor and human trafficking, selected by*
14 *the Attorney General.*

15 *(20) One representative of an organization advocating for*
16 *immigrants' rights, selected by the Attorney General.*

17 *(21) One representative of a labor rights organization,*
18 *selected by the Attorney General.*

19 ~~SEC. 12.~~

20 *SEC. 11.* Section 14023 of the Penal Code is amended to
21 read:

22 14023. The Attorney General shall give priority to matters
23 involving organized crime, gang activities, drug trafficking,
24 human trafficking, and cases involving a high degree of risk to
25 the witness. Special regard shall also be given to the elderly, the
26 young, battered, victims of domestic violence, the infirm, the
27 handicapped, and victims of hate incidents.

28 ~~SEC. 13.~~

29 *SEC. 12.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution for
31 certain costs that may be incurred by a local agency or school
32 district because, in that regard, this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the
34 penalty for a crime or infraction, within the meaning of Section
35 17556 of the Government Code, or changes the definition of a
36 crime within the meaning of Section 6 of Article XIII B of the
37 California Constitution.

38 However, if the Commission on State Mandates determines
39 that this act contains other costs mandated by the state,
40 reimbursement to local agencies and school districts for those

1 costs shall be made pursuant to Part 7 (commencing with Section
2 17500) of Division 4 of Title 2 of the Government Code.

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5 **CORRECTIONS:**

6 **Heading - Line 1.**

7 **Text - Page 3.**

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